

**UNITED STATES COURT OF APPEALS  
FOR THE FEDERAL CIRCUIT****DOCKETING STATEMENT****Case Number:** 25-1706**Short Case Caption:** Red Hat, Inc. v. VirtaMove, Corp.**Filing Party/Entity:** Red Hat, Inc.

**Instructions:** Complete each section or check the box if a section is intentionally blank or not applicable. Attach additional pages as needed. Refer to the court's Mediation Guidelines for filing requirements. An amended docketing statement is required for each new appeal or cross-appeal consolidated after first filing.

Case Origin	Originating Number	Type of Case
U.S. Dist. Court, N.D. Cal.	5:24-CV-4740	patent/declaratory judgment

Relief sought on appeal: ☐ None/Not Applicable

Reversal of the district court's order dismissing the case for lack of subject jurisdiction.

Relief awarded below (if damages, specify): ☐ None/Not Applicable

Dismissal for lack of subject matter jurisdiction.

Briefly describe the judgment/order appealed from:

The district court granted VirtaMove's motion to dismiss Red Hat's declaratory-judgment complaint for lack of subject matter jurisdiction.

Nature of judgment (select one):

Date of judgment: 4/21/25☒ Final Judgment, 28 USC § 1295☐ Rule 54(b)☐ Interlocutory Order (specify type) \_\_\_\_\_☐ Other (explain) \_\_\_\_\_

Name and docket number of any related cases pending before this court, and the name of the writing judge if an opinion was issued. ☒ None/Not Applicable

Issues to be raised on appeal: ☐ None/Not Applicable

Whether the district court erred in ruling that the complaint should be dismissed for lack of subject matter jurisdiction.

Have there been discussions with other parties relating to settlement of this case?

☒ Yes ☐ No

If “yes,” when were the last such discussions?

- ☐ Before the case was filed below
- ☐ During the pendency of the case below
- ☒ Following the judgment/order appealed from

If “yes,” were the settlement discussions mediated? ☐ Yes ☒ No

If they were mediated, by whom?

N/A

Do you believe that this case may be amenable to mediation? ☐ Yes ☒ No

Explain.

The procedural posture of the case does not lend itself to mediation.

Provide any other information relevant to the inclusion of this case in the court’s mediation program.

N/A

Date: 5/13/25 Signature: /s/ John C. O'Quinn

Name: John C. O'Quinn